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opinion

1958

April 18

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CONCORD, N.H.

Mr. Adelard E. Cote, Commissioner
Labor Department
State House
Concord, New Hampshire

Dear Mr. Cote:

This is in response to your letter of April 3, 1958 in which you ask our opinion as to whether student nurses in medical hospitals are employees subject to the Workmen's Compensation Act (RSA 281). It is my understanding that student nurses in most hospitals receive no monetary compensation but do receive their room, board and training in exchange for their services.

RSA 281:2 which defines "employer" is certainly broad enough to include a medical hospital which meets the other requirements such as employing five or more persons, etc. Subparagraph II defines an "employee" (with certain exceptions not here material) as, "... any person in the service of an employer subject to the provisions of this chapter under any contract of hire, express or implied, ..."

In our opinion it is not necessary that the element of payment need be in money to satisfy the requirement of a contract of hire but may be in anything of value, such as board, room, other services, etc. Although this question has not come before our Supreme Court the courts of other states which have considered it have so ruled. Furthermore, subparagraph IV of section 2 defines wages as including board and lodging, among other things.

In view of the above it is our opinion that student nurses in medical hospitals are employees within the meaning of our Workmen's Compensation Act.

Sincerely yours,

John J. Zimmerman
Assistant Attorney General

JJZ/lt